

U.S. Application No.: 09/831,798
AMENDMENT A

Attorney Docket: 3926.027

REMARKS

Applicants appreciate the indication of allowability of claim 27. Claim 27 is presented in independent form. Indication of allowance is respectfully requested.

Office Action

Turning now to the Office Action in greater detail, the paragraphing of the Examiner is adopted.

Paragraphs 2 (Drawings)

The Examiner indicates that the subject matter of this application admits of illustration by a drawing.

In response, Applicant provides herewith new proposed drawings. These drawing are based on Figs. 1 and 2 filed in DE 3 619 824 mentioned at paragraph 2 of the present specification and accordingly "incorporated by reference" into the present application. Applicants herewith simply added to these original figures the additional elements comprising the present invention.

No new matter is introduced by these figures. Entry is respectfully requested.

Paragraphs 3, 4, 5 (Specification)

The Examiner indicates that upon submission of drawings, the specification will require amendment.

Text is added to the specification based on DE 3 619 824 and the inventive features, and thus no new matter is being added. Entry is respectfully requested.

The Examiner objects to the Abstract of the disclosure because of the word "said" in line 8.

Applicants attach a new Abstract removing reference to "the invention" and replacing the word "said" with "the".

The Examiner suggests not including any claim numbers in the specification since numbering might change during prosecution.

In response, Applicants point out that reference to the claims had been removed in the Preliminary Amendment. It is requested that the Examiner compare the amendments to the specification at page 1 of the Preliminary Amendment filed with the application to ensure that the amendments have been entered.

Paragraphs 6, 7 (Claim Rejections - 35 USC § 112)

Claims 33 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims have been amended to overcome the rejection.

Paragraphs 8, 9, 10 and 11 (Double Patenting)

Claims 24, 35-37, 38, 47-49 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 59-61 of copending

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Application No. 09/831,803.

Although the Examiner indicates that this is a provisional rejection because the conflicting claims have not in fact been patented, in the meantime US Patent **6,801,638** has issued. Accordingly, this is now understood to be a double patenting rejection.

In response, noting that the applications were filed on the same date, Applicants file a terminal disclaimer, thereby removing the rejection.

Paragraphs 12, 13 (Claim Rejections - 35 USC § 102)

Claims 24-25, 28-34, 38-39, 41-46 are rejected under 35 U.S.C. §102(b) as being anticipated by Piccioli et al. ("Robust method for road sign detection and recognition," Image Vision Computing, 25 August 1996) (hereinafter "Piccioli").

Applicants respectfully traverse. For an "anticipation" rejection, every element of a claim must be found in the cited reference.

Piccioli teaches a three stage method for detecting road signs, comprising

- (a) reducing the search area for the road sign to a **suitable region** on the basis of a *priori* knowledge or color clues
- (b) performing a geometric analysis of extracted edges
- (c) recognizing signs by cross correlation.

Accordingly, Piccioli minimizes computation by reducing the search area to a suitable region based on a *priori* knowledge (i.e., signs are located beside a road, not in the sky or on a

road) or color clues. Thus, the search is limited either based on pre-programming, or color clues (certain traffic signs have certain colors, absence of color means no traffic signs).

Piccioli does not adjust computation level based on information from a map-based navigation system or information from a traffic information system. Nowhere in Piccioli is there mention of, for example, GPS or a radio receiver for receiving broadcast traffic information.

By way of clarification, those of ordinary skill in this art recognize the term "traffic information system" as used in the present application as concerning a system for informing a vehicle of traffic relevant information. It is usually a radio transmission broadcast from an information provider to vehicles, and includes information advising that traffic jams or poor visibility due to fog or rain exists in certain regions traveled by vehicles (specification, paragraph 0007). It does not mean "traffic signs".

Accordingly, Piccioli merely represents the state of the prior art. The present invention improves over this prior state of the art by using additional sources of information: a map-based navigation system or information from a traffic information system.

Withdrawal of the rejection is respectfully requested.

Paragraphs 14, 15 (Claim Rejections - 35 USC § 103)

Claims 26 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piccioli ("Robust method for read sign

detection and recognition," Image Vision Computing, 25 August 1995) in view of Escalera et al. ("Road Traffic Sign Detection and Classification", IEEE, December 1997) (hereinafter, "Escalera").

Applicants respectfully traverse in that Piccioli is not relevant to the present invention and Escalera does not add anything to Piccioli.

Like Piccioli, Escalera merely teaches visual data processing (image analysis) in a two step process comprising detection and classification.

The manner of processing is never adjusted on the basis of a map-based navigation system or information from a traffic information system.

Accordingly, neither Piccioli nor Escalera have relevance to the present claims. Withdrawal of the rejection is respectfully requested.

Paragraphs 16 (Allowable Subject Matter)

Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

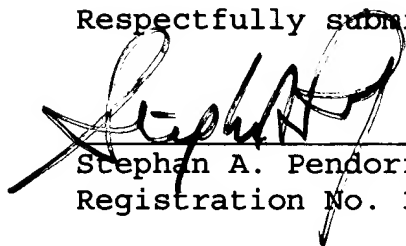
Applicants present claim 27 in independent form, in order to obtain indication of allowable subject matter.

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Accordingly, early issuance of the Notice of Allowance is respectfully requested.

Respectfully submitted,


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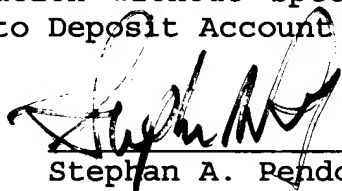
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Date: **December 15, 2004**

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing AMENDMENT A for U.S. Application No. 09/831,798 filed May 14, 2001, was deposited in first class U.S. mail, postage prepaid, P.O. Box 1450, Alexandria, VA 22313-1450, on **December 15, 2004**.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.


Stephan A. Pendorf